

THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE

State Farm Fire and Casualty Company

a/s/o Marc Gasol

Plaintiff

v.

**Interline Brands, Inc. and
Albert Cook Plumbing, Inc.**

Defendants

No. 2:13-cv-2844 / Jury

Anderson/Pham

Declaration

I, Michael A. Durr, as allowed through 28 U.S.C. § 1746, under penalty of perjury under the laws of the United States of America, state that the following is true and correct:

1. I am counsel of record for Plaintiff State Farm Fire and Casualty Company.
2. The attached is a true and correct copy of the e-mail I sent to Interline's counsel on October 9, 2014 before Interline filed its response [ECF 38] to Plaintiff's Second Motion to Compel [ECF 36].

Wednesday, October 15, 2014

Respectfully submitted,

By: 

Michael A. Durr

Michael A. Durr

From: Michael A. Durr <mdurr@qcflaw.com>
Sent: Thursday, October 09, 2014 10:45 AM
To: 'Michael Geracioti'
Cc: 'Rutler1@nationwide.com'
Subject: 14.10.09 Gasol | 2nd Motion to Compel

Mike:

Should read [ECF 36-1]

The two enumerated subjects in the last paragraph of our Memorandum [ECF 27-1] are not requests for information. They are limits on two broader requests for information (Interrogatories 15 and 16) that Interline has already been ordered to answer. In other words, Interrogatories 15 and 16 must be answered completely, subject to the temporal (post-January 1, 2008) and subject matter (part numbers that share either the coupling nut that failed here or one that is substantially similar in both design and composition) restrictions that we have since issued. As for what "substantially similar" means, it would include at least the "water supply lines" involved in the "Outstanding Claims" and "Underlying Lawsuits" that Interline references in its April 14, 2014 Complaint in the pending coverage lawsuit against AIG in the Middle District of Florida.

Happy to discuss further.

Michael A. Durr | Quist, Cone & Fisher, PLLC
800 South Gay Street, Suite 2121, Knoxville, TN 37929
Direct: 865.312.0440 | E-mail: mdurr@qcflaw.com

From: Michael Geracioti [mailto:MGeracioti@levineorr.com]
Sent: Thursday, October 09, 2014 9:24 AM
To: Michael A. Durr
Cc: Rutler1@nationwide.com
Subject: RE: 14.10.08 Gasol | Revised Evidence Transfer Agreement

OK. I am out of the office until noonish, but will do so then.

Also, I am filing a response to your motion then too, and in the meantime I am working to get the additional information (which I think was) requested. Your memorandum discusses many items but then is boiled down to two matters, itemized in the last paragraph.

Finally, responses to your 2nd 'rogs and RFP will be sent out today. I rec'd them yesterday and dictated a cover letter.

Michael A. Geracioti
Levine, Orr & Geracioti PLLC
210 Third Avenue North
Nashville TN 37201
O: 615.244.4944
C: 615.347.2922
F: 615.244.7664